IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2284 of 2005

Between:

Smt. Yelamanchili Aruna Kumari, W/o. Sreeramulu, (Late),
R/o. 14-45, Near Vishnu Alayam, Kantipadu, Krishna District.

... PETITIONER

AND

1. Collector, Krishna District, at Machilipatnam.
2. Sub Collector, Vijayawada.
3. Mandal Revenue Officer, Panamaluru Mandal,
   Penamaluru, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Examine the records concerning notice of Mandal Revenue Officer, Penamaluru dt. 2.2.2005 in Rc.No.368/03 purporting to cancel the land assigned to her through D. form Patta dated 5.6.95 in R.C.No.A.No.818/86 and issue an appropriate writ order or direction, especially one in the nature of mandamus, declaring the same as illegal and void and consequently direct the respondents not to cancel the assignment granted to the petitioner in D. Form Patta dated 5.6.95 in Rc.No. A.No.818/86.

Counsel for the Petitioner: MR.P.RAMABRAHMAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

-

-

-

-

-

-

-

-

-

-

ORDER:

The petitioner was granted a 'D'-Form patta to an extent of Ac.1.10 cents in Sy.No.13 of Gosala Village, Penamaluru Mandal, Krishna District, in the year 1995, by the then Mandal Revenue Officer, Penamaluru Mandal.

It is stated that since then she has been in continuous possession and enjoyment of the same and that the Mandal Revenue Officer and Sub-Collector, Vijayawada has granted a pattadar pass book in her favour in T.D.No.364085. While so, the petitioner was served with a notice dated 02-02-2005 by the 3rd respondent-Mandal Revenue officer, Penamaluru Mandal, calling upon D-form patta granted in her favour as well as pattadar pass books and other books in original for verification. The said notice was received by the petitioner on 07-02-2005. Immediately thereafter on 10-02-2005 she has submitted an explanation stating that the said documents required by the Mandal Revenue officer are not in her possession since the same were deposited with a private agency while availing loan for improving the land in question.

The grievance of the petitioner is that thereafter no further orders have been passed by the respondents. However, it has been published in the daily newspaper that the patta in favour of the petitioner has been cancelled and steps are being taken to recover the possession from her. Aggrieved by the said action, this writ petition is filed.

The petitioner states that no such order canceling the patta has been communicated to her as on today and since the patta in her favour is still subsisting. The respondents are not justified in taking action to dispossess her from the land in question.

Having heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents, I am of the view that unless an order is passed by the respondents canceling the patta and the same is duly communicated to the petitioner following due process of law, the petitioner cannot be dispossessed.

Accordingly, the Writ Petition is disposed of with a direction to the respondents that the petitioner shall not be dispossessed from the land in question, without following due process of law. No order as to costs.

_____

G. ROHINI, J

Dated: 11-02-2005

Note: Operative portion by wire at party's costs.

B/o.

LSK

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To

1. The Collector, Krishna District, at Machilipatnam.
2. The Sub Collector, Vijayawada.
3. The Mandal Revenue Officer, Panamaluru Mandal,
   Penamaluru, Krishna District.

4. Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad.
(O.U.T.)

5. Two C.D. copies.